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ABSTRACT

A discussion of Virginia Community Colleges' personnel policy is presented. Procedures discussed include those for: (1) dismissal of college personnel holding faculty rank, (2) non-reappointment of college personnel holding faculty rank, (3) faculty grievance, and (4) professional employees' appointment policy. (CK)

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VIRGINIA COMMUNITY COLLEGE SYSTEM PROFESSIONAL EMPLOYEES' APPOINTMENT POLICY

with Supporting Due Process Documents

for

Grievance, Non-Reappointment

and Dismissal.

JC 730 267

Virginia Department of Community Colleges
911 East Broad Street--P.O. Box 1558
Richmond, Virginia 23212

Adopted 9/20/72
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Procedure for Dismissal of College Personnel Holding Faculty Rank

I. Purpose -- The purpose of the procedure described herein is to provide an equitable system of due process for college personnel holding faculty rank who have been recommended for dismissal.

II. Definitions

A. Dismissal -- Dismissal is the involuntary termination of a faculty member's employment during the term of his appointment.

B. Grounds for Dismissal -- A faculty member may be dismissed for just cause. Permissable grounds for dismissal shall include, but not be limited to, incompetence, inadequate performance of duties, insubordination, or misconduct. A faculty member may also be dismissed in the case of mental or physical incapacity which prevents the faculty member from adequately performing his duties, or in the event of a lack of sufficient funds, loss of enrollment, or change in curriculum.

III. Procedure

A. Level One -- When reason arises to question the continued employment of a faculty member whose term of appointment has not expired, the faculty member's immediate supervisor shall discuss the matter with the faculty member in conference. The supervisor shall then forward to the faculty member a memorandum outlining the nature of the items of discussion in the conference and stating that dismissal could result and, further, shall place a copy of the memorandum in the faculty member's official personnel file. The faculty member may respond in writing to this memorandum, in which case the response shall also be placed in the faculty member's official personnel file.

B. Level Two -- If adjustment does not result, the faculty member or the faculty member's immediate supervisor may request in writing a conference with the appropriate dean to discuss the matter. Following each conference, the dean shall forward to the faculty member a memorandum outlining the nature of the items of discussion at the conference and, further, shall place a copy of the memorandum in the faculty member's official personnel file. The faculty member may respond in writing to this memorandum, in which case the response shall also be placed in the faculty member's official personnel file.

C. Level Three -- If adjustment does not result, the faculty member or the faculty member's dean may within ten (10) calendar days of the receipt of the memorandum described in Level Two request to the president in writing that an ad hoc review committee be appointed. This committee shall be appointed by the president from the panel provided for such committees in Section V-G of this document. The president shall designate the chairman of the committee. The chairman of the ad hoc review committee shall submit, within ten (10) calendar days of its appointment, its findings of fact to the president. The committee may make specific recommendations to the president if it deems such action appropriate. The committee shall include as a part of its deliberations an interview with the faculty member during which the faculty member shall present such information as he deems appropriate. The president shall utilize all information available to him and make a decision to retain or dismiss the faculty member and shall communicate this decision in writing to the faculty member. If it is the president's decision to dismiss the faculty member, the faculty member shall be given a written statement of the reasons for dismissal and notice of his right to a hearing. A copy of the report of the ad hoc review committee and the president's decision shall be placed in the faculty member's official personnel file.

D. Level Four -- Within ten (10) calendar days after the notification of dismissal required in Level Three, the faculty member may request a hearing before the president by written notice to the president. If no request is made within that time, the president may proceed to terminate the faculty member's employment without a hearing.

If the faculty member requests a hearing before the president, he shall respond in writing to each of the reasons for dismissal and submit this response to the president with the written request for a hearing. The hearing shall be upon the written reasons for dismissal submitted by the president and the faculty member's response thereto. The hearing shall commence within ten (10) calendar days after the faculty member submits to the president his response to the reasons or as soon thereafter as possible. During the hearing, the following essential elements shall be followed:

(1) The faculty member shall have the right to counsel at his own expense, the right to present and cross-examine witnesses, the right to examine all documents and demonstrative evidence used against him and the right to a copy of the transcript of the proceedings furnished at no expense to him.

(2) The dean, or his designee, may participate in the hearing, present evidence, and present and cross-examine witnesses.

(3) In reaching his decision after the hearing, the president shall consider only the evidence presented at the hearing and such oral or written arguments as the president, in his discretion, may allow. Evidence regarding the general competence and professional and moral fitness of the faculty member shall always be deemed relevant.

(4) The president shall decide whether the evidence justifies a finding that just cause exists for dismissal.

The president shall transmit his decision in writing to the faculty member within ten (10) calendar days after the hearing. This written communication shall include a statement of the rationale for arriving at his decision. A copy of the written decision shall be placed in the faculty member's official personnel file.

E. Level Five -- If the faculty member desires to appeal the decision of the president, he may submit a written appeal to the Chancellor of the Virginia Community College System within ten (10) calendar days of receipt of the decision rendered by the president. The Chancellor, or his designee, shall review the case on the basis of the record of the prior proceedings, and on the basis of any written materials provided by the college and the faculty member. New evidence not previously available may be presented in writing. If new evidence is presented, the opposing side shall have an opportunity to examine it and submit a rebuttal. The Chancellor, or his designee, in his sole discretion, may request both parties to present oral statements. The Chancellor shall communicate his decision in writing to the faculty member and the president within thirty (30) calendar days after the designated date for receiving all evidence. A copy of the written appeal and the decision thereon by the Chancellor shall be placed in the faculty member's personnel file.

F. Level Six -- Within ten (10) calendar days following the decision rendered by the Chancellor, the faculty member may submit a written appeal of the Chancellor's decision to the State Board for Community Colleges, through the Secretary of the State Board for Community Colleges. The case shall be considered on the record of the prior proceedings and upon the basis of any written materials provided by the college and the faculty member. The decision of the State Board for Community Colleges shall be final.

IV. Time Limitations

A. Extension of Time -- Every effort shall be made by all parties to expedite the appeal process. The time limitations specified for either party may be extended by mutual written agreement.

B. Effect of Failure to Appeal Within Time Limit -- If there is no mutual written agreement to extend the time limits set herein, and if the decision at one level is not appealed to the next level within the time limit specified, the right to appeal to the next level shall be deemed waived.

C. Effect of Failure to Respond Within Time Limit -- Failure at any level of the appeal procedure to initiate communication of the decision to the faculty member within the specified time limit shall permit the lodging of an appeal at the next level of the procedure within the time which would have been allotted had the decision been communicated by the final day.

V. General Provisions

A. Identification -- All written notifications and appeals shall include the name and position of the party appealing.

B. Avoiding Interruptions -- In pursuing the provisions of this procedure, every effort shall be made to avoid interruptions of classroom activity and the unnecessary involvement of students.

C. Public Statements -- Except for such simple announcements as may be required covering the time of hearings and similar matters, public statements and publicity about a case shall be avoided by all parties so far as possible until all proceedings have been completed.

D. Immediate Suspension -- Nothing in the procedures described herein shall prevent the president from suspending the faculty member immediately if the president deems the continued presence of the faculty member to be a substantial threat to the welfare of the institution. In such a case, the president shall ensure that a hearing at the appropriate level is provided as soon as possible.

E. Clarification of Administrative Structure -- It shall be the responsibility of each college, where necessary, to provide clarification on the relationship of Levels One through Four to the College's administrative structure. The term "immediate supervisor," as used herein, refers to the first line of administration which reports directly to the dean.

F. Delivery of Notices -- When giving notice of action or requesting appeal, it is the author's responsibility to make all reasonable effort to ensure that the person or persons designated to receive such notices and requests, receives them personally.

G. Hearing Committee Panel -- There shall be a Hearing Committee Panel which shall provide a slate of propsective committee members for ad hoc review committees provided in Section III-C. The distribution of the membership shall be determined by the president and shall be from the various segments of the college faculty (teaching faculty, counselors, and librarians) and administration. Where practicable, the faculty members on the panel and on the committee shall be in general proportion to the general population of each such faculty segment. The committee membership shall not exceed one-third (1/3) administrators. The various segments of the college faculty shall elect from their members their representatives to this panel. The president shall appoint administrators to the panel. This panel may be the same panel as provided for a similar purpose in the Procedure for Non-Reappointment of College Personnel Holding Faculty Rank and the Faculty Grievance Procedure.

H. Academic Freedom -- Dismissal shall not be used to restrain faculty members in their exercise of constitutional rights or academic freedom as set forth in the Statement of Academic Freedom and Responsibility adopted by the State Board for Community Colleges on January 29, 1969.

I. Exceptional Cases -- In exceptional cases, the initial action for dismissal may be issued from the dean or the president. In all such cases, the faculty member shall be notified of the identity of the person taking the initial action. All subsequent proceedings shall begin at the appropriate level. Recommendations of lower level administrators, if any, shall be included in the record for further consideration.

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Procedure for Non-Reappointment of College Personnel Holding Faculty Rank

I. Purpose -- The purpose of the procedure described herein is to provide an equitable system of due process for college personnel holding faculty rank who have been recommended for non-reappointment.

II. Definition

Non-Reappointment -- Non-reappointment constitutes the decision not to offer another appointment proposal at the end of the current appointment period.

III. Procedure

A. Level One -- After completing the evaluation process as established by the college, the immediate supervisor informs the faculty member of the results of the evaluation, both orally in a conference and in writing, and of his intention to recommend the non-reappointment of that faculty member at the end of his current appointment period. Within five (5) calendar days of receipt of the written notification, the faculty member may file with his immediate supervisor a response to the written notification. He may, in the communication, request the reasons for non-reappointment. If reasons are requested, they shall be given forthwith in writing. The faculty member shall have five (5) calendar days from the receipt of the reasons to make an additional response, as he deems appropriate. The immediate supervisor shall consider the responses of the faculty member and notify him in writing of his decision to recommend to his dean the reappointment or non-reappointment of the faculty member. If his immediate supervisor recommends non-reappointment, a copy of the written correspondence between the faculty member and the immediate supervisor shall be placed in the official personnel file of the faculty member concerned and a copy thereof shall be transmitted to the dean and to the president of the college. The president shall note the receipt of this recommendation for non-reappointment and communicate this fact to the faculty member in writing. This communication shall be transmitted to the faculty member not later than March 1 during the first year of service in the Virginia Community College System, February 1 after one year of service, and January 1 after two or more years of service. For faculty members on Three- or Five-year Appointments, this communication shall be transmitted to the faculty member not later than January 1 of the last year of the current appointment.

B. Level Two -- If the faculty member desires to appeal the decision of his immediate supervisor, he may submit a written appeal to his dean within five (5) calendar days of receipt of the decision rendered by his immediate supervisor. Within five (5) calendar days of receipt of the written appeal, the dean shall set a date for a hearing and notify the faculty member and his immediate supervisor. The dean shall communicate his decision in writing to the president within five (5) calendar days of the completion of the hearing, with copies thereof to the faculty member and to the faculty member's immediate supervisor. A copy of the written appeal and the decision thereon shall be placed in the faculty member's official personnel file.

C. Level Three -- If the faculty member, or the faculty member's immediate supervisor desires to appeal the decision of the dean, he may, within five (5) calendar days of receipt of the decision rendered by the dean, submit a written request to the president that an ad hoc review committee be appointed. This committee shall be appointed by the president from the panel provided for such committees in Section V-F. of this document. The president shall designate the chairman of the committee. The chairman of the ad hoc review committee shall submit, within ten (10) calendar days of its appointment, its findings of fact to the president. The committee may make specific recommendations to the president if it deems such action appropriate. The committee shall include as a part of its deliberations an interview with the faculty member during which the faculty member shall present such information as he deems appropriate. The president shall utilize all information available to him and make a decision as to the reappointment or non-reappointment of the faculty member and shall communicate this decision in writing to the faculty member. If the president's decision is for non-reappointment, the faculty member shall be given a written statement of his right to a hearing along with the notice of the decision. A copy of the report of the ad hoc review committee and the president's decision shall be placed in the faculty member's official personnel file.

D. Level Four -- Within five (5) calendar days after the notification required in Level Three, the faculty member may request a hearing before the president by written notice to the president. If no request is made within that time, the president may proceed with the non-reappointment without a hearing.

The faculty member's requests for a hearing shall be accompanied by a written appeal. Within five (5) calendar days of receipt of the request for a hearing, the president shall set a date for a hearing and notify the faculty member, the faculty member's immediate supervisor, and the faculty member's dean. The hearing shall

commence within ten (10) calendar days after the faculty member submits his request to the president, or as soon thereafter as possible. During the hearing, the following essential elements shall be followed:

(1) The faculty member shall have the right to counsel at his own expense, the right to present and cross-examine witnesses, the right to examine all documents and demonstrative evidence used against him and the right to a copy of the transcript of the proceedings furnished at his own expense.

(2) The dean, or his designee, may participate in the hearing, present evidence, and present and cross-examine witnesses.

(3) In reaching his decision after the hearing, the president shall consider only the evidence presented at the hearing and such oral or written arguments as the president, in his discretion, may allow.

(4) The president shall decide whether the dean's recommendation is supported by creditable evidence or whether it was arbitrary, capricious, or otherwise unjustified.

The president shall transmit his decision in writing to the faculty member within ten (10) calendar days after the hearing. A copy of the written decision shall be placed in the faculty member's official personnel file.

E. Level Five -- If the faculty member desires to appeal the decision of the president, he may submit a written appeal to the Chancellor of the Virginia Community College System within ten (10) calendar days of receipt of the decision rendered by the president. The Chancellor, or his designee, shall review the case on the basis of the record of the previous proceedings, and on the basis of any written materials provided by the college and the faculty member. New evidence not previously available may be presented in writing. If new evidence is presented, the opposing side shall have an opportunity to examine it and submit a rebuttal. The Chancellor, or his designee, in his sole discretion, may request both parties to present oral statements. The Chancellor shall communicate his decision in writing to the faculty member and the president within thirty (30) calendar days after the designated date for receiving all evidence. A copy of the written appeal and the decision thereon by the Chancellor shall be placed in the faculty member's personnel file. The decision of the Chancellor shall be final under the provision of this procedure.

IV. Time Limitations

A. Extension of Time -- Every effort shall be made by all parties to expedite the appeal process. The time limitations specified for either party may be extended by mutual written agreement.

B. Effect of Failure to Appeal Within Time Limit -- If there is no mutual written agreement to extend the time limits set herein, and if the decision at one level is not appealed to the next level within the time limit specified, the right to appeal to the next level shall be deemed waived.

C. Effect of Failure to Respond Within Time Limit -- Failure at any level of the appeal procedure to initiate communication of the decision to the faculty member within the specified time limit shall permit the lodging of an appeal at the next level of the procedure within the time which would have been allotted had the decision been communicated by the final day.

V. General Provisions

A. Identification -- All written notifications and appeals shall include the name and position of the party appealing.

B. Avoiding Interruptions -- In pursuing the provisions of this procedure, every effort shall be made to avoid interruption of classroom activity and the unnecessary involvement of students.

C. Public Statements -- Except for such simple announcements as may be required covering the time of hearings and similar matters, public statements and publicity about a case shall be avoided by all parties so far as possible until all proceedings have been completed.

D. Clarification of Administrative Structure -- It shall be the responsibility of each college, where necessary, to provide clarification on the relationship of Levels One through Four to the College's administrative structure. The term "immediate supervisor," as used herein, refers to the first line of administration which reports directly to a dean.

E. Delivery of Notices -- When giving notice of action or requesting appeal, it is the author's responsibility to make all reasonable effort to ensure that the person or persons designated to receive such notices and requests, receives them personally.

F. Hearing Committee Panel -- There shall be a Hearing Committee Panel which shall provide a slate of prospective committee members for ad hoc review committees provided in Section III-C. The distribution of the membership shall be determined by the president and shall be from the various segments of the college faculty (teaching faculty, counselors, and librarians) and administrators. Where practicable, the faculty members on the panel and on the committee shall be in general proportion to the general population of each such faculty segment. The Committee membership shall not exceed one-third (1/3) administrators. The various segments of the college faculty shall elect from their members their representatives on this panel. The president shall appoint administrators to the panel. This panel may be the same panel as provided for a similar purpose in the Procedure for Dismissal of College Personnel Holding Faculty Rank and the Faculty Grievance Procedure.

G. Academic Freedom -- Non-reappointment shall not be used to restrain faculty members in their exercise of constitutional rights or academic freedom as set forth in the Statement of Academic Freedom and Responsibility adopted by the State Board for Community Colleges on January 29, 1969.

H. Exceptional Cases -- In exceptional cases, the initial recommendation of non-reappointment may be issued from the dean or the president. In all such cases, the faculty member shall be notified of the identity of the person making the initial recommendation. All subsequent proceedings shall begin at the appropriate level and recommendations of lower level administrators, if any, shall be included in the record for future consideration. This section shall not modify the time requirements set forth in Section III-A., Level One, of this procedure.

Adopted 9/20/72
Revised 8/10/73

Faculty Grievance Procedure

I. Purpose -- The purpose of the faculty grievance procedure as described herein is to provide equitable and orderly processes by which to resolve any grievances by faculty members in the Virginia Community College System.

II. Definitions

A. Faculty Member -- Faculty member is used herein to mean a Virginia Community College System employee with faculty rank who is not classified as an administrator in the Professional Employees' Appointment Policy.

B. Grievance -- A grievance is a difference or dispute between a faculty member and an administrator of the college with respect to the application of the provisions of the rules, policies, procedures, and regulations of the college or the Virginia Community College System as they affect the work activity of such faculty member; except that those matters covered in the Professional Employees' Appointment Policy, the Procedure for Non-Reappointment of College Personnel Holding Faculty Rank, the Procedure for Dismissal of College Personnel Holding Faculty Rank and the Tenure Policy shall not be subject to the Grievance Procedure as set forth herein.

III. Procedure

A. Level One -- Recognizing that grievances should be raised and settled promptly, a grievance should be raised within ten (10) calendar days following either the event giving rise to the grievance or within ten (10) calendar days of the time when the faculty member reasonably should have gained knowledge of its occurrence. The faculty member shall discuss the grievance with his immediate supervisor, and the immediate supervisor shall respond orally within five (5) calendar days of the discussion. Every reasonable effort should be made by all parties to resolve the matter informally at this level, and no written record of the matter shall be placed in the faculty member's official personnel file if the grievance is thus resolved.

If the faculty member cannot resolve the grievance informally he may file a written grievance with his immediate supervisor within five (5) calendar days following the immediate

supervisor's verbal response. Within five (5) calendar days of receipt of the written grievance, the immediate supervisor shall respond with a written decision on the grievance, and shall place a copy of the grievance and his response in the official personnel file of the faculty member.

B. Level Two -- If the faculty member is not satisfied with the disposition of his grievance at Level One, he may file a written appeal to his dean within five (5) calendar days of receipt by the faculty member of the decision rendered by his immediate supervisor. Within five (5) calendar days of his receipt of the written appeal, the dean shall set a date for a meeting and notify the faculty member and his immediate supervisor and the meeting shall take place within ten (10) calendar days after receipt of the written appeal by the dean.

If no settlement can be reached in said meeting, the dean shall communicate his decision in writing within five (5) calendar days to the faculty member and to the immediate supervisor and shall place a copy of the appeal and his decision in the faculty member's official personnel file.

C. Level Three -- If the faculty member is not satisfied with the disposition of his case at Level Two, he may file a written appeal to the president within five (5) calendar days of receipt by the faculty member of the decision rendered by the dean and may request the appointment of an ad hoc committee to hear the case and make appropriate recommendations to the president. If, in his discretion, the appeal and record of previous actions indicate an appeal is not warranted, the president shall notify the faculty member, his immediate supervisor, and the dean of such fact; and the decision of the dean shall be final and binding on all parties.

If the president grants the appeal, he may within five (5) calendar days after his receipt of the written appeal appoint an ad hoc committee of five (5) disinterested persons from the panel provided for such committees in Section V-H. of the document. The president shall designate the chairman of the committee. Three (3) of the ad hoc committee members shall be faculty members and two (2) shall be administrators. Within five (5) calendar days after the ad hoc committee has been designated by the president, the chairman of the ad hoc committee shall set a time and place for the hearing and notify the faculty member, his immediate supervisor, and the dean. The hearing shall begin within ten (10) calendar days after the ad hoc committee has been designated. The ad hoc committee shall make its decision by simple majority vote and communicate its recommendations in writing, within five (5) calendar days after the hearing is completed, to the faculty member, his immediate supervisor, the dean

and the president. Within ten (10) calendar days of his receipt of the recommendation, the president shall make his written decision and notify the faculty member, his immediate supervisor, and the dean of this decision, which shall be final and binding on all parties. A copy of the appeal, the recommendations of the ad hoc committee, and the decision of the president shall be placed in the faculty member's official file.

D. Level Four -- If the president grants the appeal at Level Three but does not appoint an ad hoc committee, he shall within five (5) calendar days after receipt of the appeal, set a date for a hearing and notify the faculty member, his immediate supervisor, and the dean. The hearing shall begin within ten (10) calendar days after receipt of the appeal by the president. The president shall render a decision in writing, with copies to the faculty member, his immediate supervisor, and the dean. The decision of the president shall be final under the provisions of this grievance procedure. A copy of the appeal and the president's decision shall be placed in the faculty member's official personnel file.

IV. Time Limitations

A. Extension of Time -- It is important to good relationships that grievances be initiated and processed as rapidly as possible. Every effort shall be made by all parties to expedite the process. The time limitations specified for either party may be extended by written mutual agreement.

B. Effect of Failure to Appeal Within Time Limit -- If there is no written mutual agreement to extend the time limits set herein and if a decision at one level is not appealed to the next level of the procedure within the time limit specified, it shall be determined settled on the basis of the last decision rendered.

C. Effect of Failure to Respond Within Time Limit -- Failure at any level of the grievance procedure to initiate communication of a decision to the faculty member within the specified time limit shall permit the lodging of an appeal at the next level of the procedure within the time which would have been allotted had the decision been communicated by the final day.

V. General Provisions

A. Identification -- All written grievances and appeals shall include the name and position of the aggrieved party and a

brief statement of the nature of the grievance and the redress sought by the aggrieved party.

B. Avoiding Interruptions -- In pursuing the provisions of this procedure, every effort shall be made to avoid interruption of classroom activity and the unnecessary involvement of students.

C. Informal Discussion -- Nothing contained herein shall be construed as limiting the right of the faculty member having a grievance to discuss the matter informally with any appropriate member of the college and having the grievance informally adjusted.

D. Clarification of Administrative Structure -- It shall be the responsibility of each college, where necessary, to provide a clarification on the relationship of Levels One through Four to the college's administrative structure. The term "immediate supervisor," as used herein, refers to the first line of administration which in no case shall be lower than the division chairman, coordinator, or director.

E. Employment of Attorney -- Any faculty member may employ an attorney at his own expense to provide him counsel at any level if the faculty member so desires.

F. Placement of Records -- If the procedures go beyond the informal stage of Level One, and the decision is in favor of the aggrieved faculty member, a record of the case shall be placed in the official personnel file of all faculty members or administrators complained against by the aggrieved faculty member.

G. Academic Freedom -- This Grievance Procedure shall not be used to restrain faculty members in their exercise of constitutional rights or academic freedom as set forth in the Statement of Academic Freedom and Responsibility adopted by the State Board for Community Colleges on January 29, 1969.

H. Hearing Committee Panel -- There shall be a Hearing Committee Panel which shall provide a slate of prospective committee members for ad hoc committees provided in Section III-C. The distribution of the membership shall be determined by the president and shall be from the various segments of the college faculty (teaching faculty, counselors, and librarians) and administrators. Where practicable, the faculty members on the panel shall be in general proportion to the general population of each such faculty segment, but in no case less than one representative from each faculty segment. The various segments of the college faculty shall elect from their members their representatives to this panel. The president shall

appoint administrators to the panel. This panel may be the same panel as provided for a similar purpose in the Procedure for Non-Reappointment of College Personnel Holding Faculty Rank and the Procedure for Dismissal of College Personnel Holding Faculty Rank.

Adopted 9/20/72
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Revised 8/10/73

Professional Employees' Appointment Policy

I. Definitions

A. One-year Appointment -- A One-year Appointment shall be for one (1) academic year and may be renewed annually.

B. Three-year Appointment -- A Three-year Appointment shall be for three (3) academic years and shall not be affected by change in faculty rank.

C. Five-year Appointment -- A Five-year Appointment shall be for five (5) academic years and shall not be affected by change in faculty rank.

D. Academic Year -- For purposes of eligibility for multi-year appointments, an Academic Year of full-time employment for both nine-month and twelve-month faculty personnel is full-time employment during any three of the summer, fall, winter, or spring quarters, salary for which is chargeable to a single fiscal year's budget. Employment less than this period shall not constitute an academic year of full-time employment. Employment during the fiscal year for less than the three academic quarters shall not count toward the time eligibility period for a Three- or Five-year Appointment.

E. Non-Reappointment -- Non-reappointment constitutes the decision not to offer another appointment proposal at the end of the current appointment period.

F. Dismissal -- Dismissal is the involuntary termination of a faculty member's employment during the term of his appointment.

G. Administrators -- Administrators shall be defined as those persons holding those nonclassified positions shown on the VCCS-20 form with the exception of counselors, program heads, assistant division chairmen, and librarians.

II. Eligibility

A. Faculty Personnel -- Only teaching faculty, counselors, program heads, assistant division chairmen, and librarians who hold full-time appointments and have been recommended for reappointment are eligible for Three- and Five-year appointments. Administrators who hold faculty rank and faculty members with the rank of assistant instructor, or lecturer serve only on One-year or shorter appointments. Full-time service in these capacities may count toward the

eligibility for a Three- or Five-year Appointment whenever the person becomes otherwise qualified.

B. Sequence of Appointment -- The normal sequence of appointment under this Policy shall be three (3) One-year Appointments and one (1) Three-year Appointment, prior to the granting of the first Five-year Appointment. The sequence of appointment is subject to all of the other provisions of this Policy, provided however nothing herein shall limit the number of One- and Three-year Appointments which may be granted nor shall anything herein prohibit the granting of a shorter appointment to a faculty member who had previously held a longer term appointment. Termination of employment with the Virginia Community College System constitutes a discontinuity of service and would require the faculty member on re-employment to start at the beginning of the normal sequence of appointment.

C. Faculty Having Tenure -- Faculty having tenure on the effective date of this Policy shall, unless they elect otherwise, remain subject to the tenure policy of January 29, 1969, as amended; however, such faculty shall be subject to the same evaluation procedures defined in this Policy for faculty on Five-year Appointments. All other faculty members are subject to the Professional Employees' Appointment Policy of September 20, 1972, as amended.

D. Leave of Absence --

(1) A faculty member holding a Three- or Five-year Appointment who is granted a leave of absence with pay shall continue under his current appointment upon return to the college.

(2) Leaves without pay are considered on an individual basis. In such cases, the status of appointment must be resolved between the college and the faculty member before the leave starts. Such agreements shall be signed by both the college president and the faculty member. A copy of the agreement shall be placed in the faculty member's personnel file.

E. Transfer Within the VCCS -- Upon transfer from one college in the Virginia Community College System to another college in the System, the normal sequence of appointment shall be for the faculty member to receive two (2) One-year Appointments before being considered for that type of appointment he would have been eligible for had he remained at the first institution.

F. Predecessor Institutions -- When a college within the Virginia Community College System is developed from another public institution, the normal sequence of appointment shall be for the

faculty member of the predecessor institution with one or more years of full-time service at that institution to receive two (2) One-year Appointments in the new community college before being considered for a Three-year Appointment.

G. Retirement Date -- The normal retirement date is July 1 following the employee's sixty-fifth birthday. In no event shall a multi-year appointment be issued which extends beyond this date. A faculty member may be granted an appointment which terminates on his normal retirement date even though he would otherwise be entitled to an appointment of longer duration. The mandatory retirement date is July 1 following the employee's seventieth birthday. Appointments between the faculty member's normal retirement date and mandatory retirement date, if any, shall be on a year-to-year basis.

III. General Provisions

A. Authority -- All appointments are granted by the State Board for Community Colleges upon recommendation of the President of the College and the Chancellor of the Virginia Community College System.

B. Ad hoc Appointment Advisory Committee -- The president shall establish an Ad hoc Appointment Advisory Committee to provide information and advice for his consideration on all faculty members eligible for Three- and Five-year Appointments.

(1) The distribution of the membership of this committee shall be determined by the president and shall be from the various segments of the college faculty (teaching faculty, counselors, and librarians) and administrators. Where practicable, the faculty membership shall be in general proportion to the college population of each such faculty segment, but in no case shall there be less than one representative from each faculty segment. The various segments of the college faculty shall elect from their members their representatives on this committee. The president shall appoint administrators to this committee, but in no case shall administrative representatives exceed one-third (1/3) of the committee membership. The committee shall elect a chairman from the membership and establish operating procedures necessary to fulfill its function in accordance with guidelines established by the president. Among these guidelines shall be provisions (a) that a faculty member eligible for a Three- or Five-year Appointment may appear before the committee to present such information as the committee deems appropriate; and (b) in the event that an administrator has participated in any preliminary

decision regarding the current evaluation of the faculty member in question, he shall be replaced by another administrator appointed by the president for the consideration of that faculty member.

(2) The committee shall consider those eligible faculty who, in accordance with Section II-B, E, or F, may be considered for Three- or Five-year Appointments and such other faculty who have been recommended for special consideration by the president.

(3) The criteria to be considered by the committee as it considers faculty for Three- and Five-year Appointments shall include, but not be limited to, the following: (a) Competence of the faculty member as a teacher or in his assigned function; (B) Effectiveness of the faculty member in carrying out his functions and duties as prescribed in the College Faculty Handbook; (c) Ability to establish and maintain positive professional relationships with colleagues, supervisors, students, and the community; (d) Extent and currency of professional qualifications; (e) Adherence to all policies, procedures and regulations as outlined in the College Faculty Handbook, the Policies, Procedures, and Regulations Manual of the Virginia Community College System, any policy, procedure, and regulation adopted by the College or the Virginia Community College System, and the laws of the Commonwealth of Virginia; and (f) Evaluations. Where additional criteria are considered, they shall be stated in the report of the committee.

C. Multi-Campus Institutions -- In a multi-campus college within the Virginia Community College System, the provisions of this Policy shall apply to the institution as a whole and service on one campus shall transfer to other campuses within the same college.

D. Reduction in Staff -- Termination of appointments in the event of a lack of sufficient funds, loss of enrollment, or change in curriculum is recognized; however, cancellation of employment under such conditions should only be used in cases of necessity. The following guidelines shall be followed in such cases:

(1) Within a given discipline, faculty members shall be released in order of least seniority at the college.

(2) Except in the case of an extreme emergency, termination under this section shall be at the end of an academic year.

(3) When such action is required, the affected faculty member shall be notified as early as possible.

(4) When the affected faculty member has a Three- or Five-year Appointment, the termination shall be in the form of an involuntary leave without pay for the remaining term of such appointment and said faculty member shall have first refusal of the position should it be reestablished during such term.

(5) Affected faculty members shall be given first consideration for openings anywhere in the Virginia Community College System provided the faculty member is qualified for said openings. The Chancellor of the Virginia Community College System, or his designee, shall determine where appropriate openings exist within the System and inform the Presidents concerned of the availability of the faculty member. The decision to offer the available faculty member an appointment proposal rests exclusively with the receiving president pursuant to Section III-A. of this Policy.

E. Grounds for Dismissal -- Faculty members may be dismissed for just cause. Permissable grounds for dismissal shall include, but not be limited to, incompetence, inadequate performance of duties, insubordination, or misconduct. A faculty member may also be dismissed in the case of mental or physical incapacity which prevents the faculty member from adequately performing his duties.

Procedures for dismissal shall be as prescribed by the State Board for Community Colleges. In any action resulting in the dismissal of employment of a faculty member, the decision of the State Board for Community Colleges shall be deemed final.

F. Faculty Rank and Salary -- Faculty Rank and Salary are not part of this Policy.

G. Conditions of Employment -- Appointment proposals shall be extended by the president and shall include the dates of employment. The faculty member shall submit his acceptance of the appointment proposal in writing to the president prior to submission for action on the appointment by the State Board for Community Colleges. Acceptance of the appointment proposal by the faculty member includes acceptance of the general conditions of employment set forth in the College Faculty Handbook and the Policies, Procedures, and Regulations Manual of the Virginia Community College System. The faculty member shall receive from the president a written notice of appointment upon confirmation of the appointment by the State Board for Community Colleges and the State Division of Personnel.

H. Procedures for Evaluation -- Procedures for evaluation shall be as prescribed by the State Board for Community Colleges.